

30 October 2009

Our ref: 209.058.33L1

Ms Kristina Keneally MP  
Minister for Planning  
c/o Director-General  
Department of Planning  
33 Bridge Street  
SYDNEY NSW 2000



TOWN PLANNING  
AND URBAN DESIGN

**RE: REQUEST UNDER SECTION 75W OF THE ENVIRONMENTAL  
PLANNING AND ASSESSMENT ACT 1979 TO MODIFY APPROVED CONCEPT  
PLAN FOR THE PROPOSED VICENTIA DISTRICT TOWN CENTRE**

Dear Minister,

**1.0 INTRODUCTION**

This letter has been prepared on behalf of Fabcot Pty Ltd (Proponent) which is a wholly owned subsidiary of Woolworths Limited, to request the Minister form an opinion under Section 75W of the *Environmental Planning and Assessment Act, 1979* (as amended) (EP&A Act) that the approved Concept Plan and Project Application for the proposed Vincentia District Town Centre can be modified. It is noted that the subject site is included at Part 29 of Schedule 3 of *State Environmental Planning Policy (Major Development) 2005* (Major Development SEPP).

This letter also represents the Proponent's request for authorisation from the Minister under Section 75M of the *Environmental Planning and Assessment Act, 1979* to submit an amended Concept Plan for the site.

The nature of the amendments proposed to the approved Concept Plan and Stage 1 Project Application involve:

1. Revising the staging of the Concept Plan;
2. Minor design changes to the location and sizes of the DDS, supermarkets and specialty stores, without increasing the overall floor space; and
3. Seeking approval for both Stages 1 and 2 as part of the Project Application rather than a Stage 1 Project Application to enable a more flexible approach to deliver the centre.

**2.0 AMENDMENT TO APPROVED CONCEPT PLAN AND STAGE1 PROJECT  
APPLICATION UNDER PART 3A OF THE ENVIRONMENTAL PLANNING  
& ASSESSMENT ACT**

**2.1 Modification of Minister's Approval**

Section 75W of the EP&A Act enables the Minister to form an opinion with respect to a proposal that a Concept Plan and Project Application can be modified, based on the following:

**75W Modification of Minister's approval**

(1) *In this section:*

**Minister's approval** means an approval to carry out a project under this Part, and includes an approval of a concept plan.

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**modification of approval** means changing the terms of a Minister's approval, including:

- (a) revoking or varying a condition of the approval or imposing an additional condition of the approval, and
- (b) changing the terms of any determination made by the Minister under Division 3 in connection with the approval.
- (2) The proponent may request the Minister to modify the Minister's approval for a project. The Minister's approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part.
- (3) The request for the Minister's approval is to be lodged with the Director-General. The Director-General may notify the proponent of environmental assessment requirements with respect to the proposed modification that the proponent must comply with before the matter will be considered by the Minister.
- (4) The Minister may modify the approval (with or without conditions) or disapprove of the modification.
- (5) The proponent of a project to which section 75K applies who is dissatisfied with the determination of a request under this section with respect to the project (or with the failure of the Minister to determine the request within 40 days after it is made) may, within the time prescribed by the regulations, appeal to the Court. The Court may determine any such appeal.
- (6) Subsection (5) does not apply to a request to modify:
  - (a) an approval granted by or as directed by the Court on appeal, or
  - (b) a determination made by the Minister under Division 3 in connection with the approval of a concept plan.
- (7) This section does not limit the circumstances in which the Minister may modify a determination made by the Minister under Division 3 in connection with the approval of a concept plan.

It is considered that the provisions of Section 75W of the EP&A Act could be exercised by the Minister in this instance to modify the approved Concept Plan and Project Application, based on the following:

1. If approved, the modification will not radically alter the development from its approved form;
2. The nature of the proposed changes relate to the staging of the project and seeks the delivery of a centre (both in its staging and when completed) which include all of the community benefits which have already been approved. Specifically, the main site infrastructure will be delivered in the same manner as that approved, including roads and pedestrian links so as to maintain legibility. The access points are unchanged from the approval and the architects involved in the project are unchanged. As such, irrespective of staging the proposed modifications will deliver the same outcomes anticipated by existing approvals. It is considered that the revised staging will provide for better legibility by providing a completed through-site link from Moona Creek Road to the Wool Road;
3. While the previous approval included the delivery of a library within Stage 1 having an area of some 743 square metres, it is proposed to deliver this community facility within Stage 2 with a larger area of some 1,700 square metres to off-set the delay in moving this from stage 1 to stage 2. It is noted that no formal information was previously submitted with the application to justify the inclusion of this facility in Stage 1;
4. The timing for Stage 1 of the centre under existing approvals was due for completion in 2009, however due to factors related to changes in the market associated with the economy, the sale of the land by Stockland to Fabcot and the length of time to obtain approvals prior to Fabcot acquiring the land, this will not occur and thus staging and timing have sought to be revised by Fabcot;





5. The staging is proposal has been revised by Fabcot so as to deliver a centre to support the current identified needs and gaps in the market. As such, the Big W discount department store (DDS) has been now included within Stage 1. The size of the DDS component as currently approved does not conform to the requirements of Big W and thus a change in floor area is sought. Further, the location of the Aldi supermarket has been repositioned to maintain its inclusion in Stage 1. The floor area associated with the specialty shops has been adjusted accordingly. It should be noted that the overall floor area of the modified development is to be 31,125 square metres, which is less than that approved being maximum of 32,000 square metres; and
6. Further, an overlay has been prepared to assist in identifying the changes associated with the proposal. This overlay demonstrates that the outcomes as already approved will be delivered as part of the proposed modification, albeit in a slightly different layout. The principles of the design competition winning design will be maintained.

It is also noted that the previous design and thus the proposed modified design meets the criteria specified in Part 29 of Schedule 3 of *State Environmental Planning Policy (Major Development) 2005* and triggered by Clause 6.

The amendment to the approved Project Application seeks approval for both Stages 1 and 2 will enable Fabcot to construct the VDC as and when needed to meet the market, allow for timing matters which may be unforeseeable / unpredictable due to rapidly changing regional economies and will also enable construction to commence as soon as possible on-site following approval.

## **2.2 Preliminary Environmental Assessment Report**

A "Preliminary Environmental Assessment Report" has been prepared for the site which addresses the existing planning controls, the State and local strategic planning for the locality and region, and includes an updated economic impact assessment and design statement in relation to the amended preliminary concept plan.

## **2.3 Review of Previously Issued Director-General's Environmental Assessment Requirements and Approval**

To assist in understanding the nature of the amended Concept Plan and Project Application as proposed, a review of the previously issued Director-General's Environmental Assessment Requirements (DGEAR's) (as issued copy at **Appendix A**) has been completed. It is considered that the original Environmental Assessment and Preferred Project Report addressed each of these matters and the proposed amendments will not result in any new matters required to be considered from that previously considered.

With respect to the approval previously issued, at this stage, the proponent has not started the detailed design phase of the development, and as such the conditions while some will change such as drawing numbers and the like, essentially, the same conditions will apply. A copy of the previous approval can be found at **Appendix B**.

### 3.0 CONCLUSION

The proponent respectfully requests that the Director-General issue the requirements to enable the approved Concept Plan and Stage 1 Project Application be modified as proposed based on the information submitted and given the proponent's commitment to providing jobs and services for the community.

Should you have any queries or require clarification on any matters please do not hesitate to contact the undersigned on 02 9925 0444 or 0488 221082.

Yours sincerely

THE PLANNING GROUP NSW PTY LTD

A handwritten signature in black ink, appearing to read 'M. Higgins', with a stylized flourish at the end.

Marian Higgins  
(Principal Planner)



## APPENDIX A



# Director-General's Requirements

## Section 75F of the Environmental Planning and Assessment Act 1979

<b>Project</b>	<p>The proponent is seeking project approval for:</p> <ul style="list-style-type: none"> <li>• A range of uses including a discount department store, supermarket, medical centre, childcare centre, restaurants and specialty retail;</li> <li>• A total of 922 car parking spaces and loading bays;</li> <li>• Water sensitive urban design measures, landscaping and public open space;</li> <li>• Associated services and infrastructure.</li> </ul>
<b>Site</b>	Lots 801 and 802 DP 1022286 and Lots 72-75 DP 874040
<b>Proponent</b>	Stockland Development Pty Ltd
<b>Date of Issue</b>	23 November 2006
<b>Date of Expiration</b>	23 November 2008
<b>General Requirements</b>	<p>The Environmental Assessment (EA) must include</p> <ol style="list-style-type: none"> <li>(1) an executive summary;</li> <li>(2) a detailed description of the project including the: <ol style="list-style-type: none"> <li>(a) need for the project;</li> <li>(b) alternatives considered; and</li> <li>(c) various components and stages of the project;</li> </ol> </li> <li>(3) a consideration of all relevant State Environmental Planning Policies (especially SEPP 11, SEPP 64, SEPP 55 and SEPP 71), applicable planning instruments (including the NSW Coastal Policy), regional strategies and relevant legislation;</li> <li>(4) a draft Statement of Commitments, outlining commitments to public benefits, environmental management such as surface water management, landscaping and waste minimisation and management, aboriginal cultural heritage management, mitigation and monitoring measures with a clear identification of who is responsible for these measures;</li> <li>(5) a conclusion justifying the project, taking into consideration the environmental impacts of the proposal, mitigation measures to address these impacts, the cumulative impacts of the proposal, the suitability of the site, and whether or not the project is in the public interest;</li> <li>(6) a signed statement from the author of the EA certifying that the information contained in the report is neither false nor misleading; and</li> <li>(7) Identify that the development contributions applicable to the site and, if relevant, any draft planning agreement that details any public benefits to be provided with the development, are consistent with any development contributions plans prepared to date.</li> </ol>
<b>Key Assessment Requirements</b>	<p><b>Concept Plan</b>  Demonstrate full compliance with all aspects of the approved concept plan (MP 06_0058).</p> <p><b>Traffic Impacts</b></p> <ol style="list-style-type: none"> <li>1) Demonstrate compliance with the concept plan Traffic Impact Study and assess any traffic impacts that relate specifically to the town centre, such as carparking requirements; provision for buses and taxis; and loading and unloading bay requirements.</li> <li>2) Provide details of access to and from the site and any proposed road widening including the Wool Road/Naval College Road and the existing roundabout.</li> <li>3) Identify suitable treatments to ameliorate any traffic impacts (including any inefficiency and safety impacts) associated with the development, such as identification of pedestrian movements and appropriate treatments internal and external to the site.</li> <li>4) Demonstrate pedestrian and cycle movement (including details of pedestrian and cycle paths) within the site and linkages with nearby populated and proposed residential areas, the Leisure Centre and schools.</li> </ol>

**Urban Design**

- 1) Demonstrate how the proposal will address and implement the Coastal Design Guidelines for NSW 2003.
- 2) Demonstrate the design responds and contributes to its context and that the design has an appropriate scale of built form (including roof form and building height) and density and responds to the location appropriately.
- 3) Provide details of the provision of publicly accessible open space and recreational areas.
- 4) Provide details of Gross Floor Area and Net Lettable Area of all components of the project.
- 5) Demonstrate that the proposed siting of buildings does not have an unacceptable level of impact on privacy, views of adjoining neighbours and overshadowing of surrounding areas.
- 6) Provide details of the hours of operation and demonstrate that:
  - a. that these hours will not create an unacceptable impact on future and existing residents in the surrounding area and other sensitive receivers, such as flora and fauna, and
  - b. how these hours relate to the operating hours of retailing facilities within the Bay and Basin area.

**Visual Impact**

- 1) Address impacts including (but not limited to) the visual impact of the project in the context of adjoining development and its setting and building mass as viewed from public areas and in the natural environment.
- 2) Demonstrate through the use of visual aids (such as a scale model, photomontage, a materials board and colour elevations) that any adverse visual impacts (including those of the carpark) have been ameliorated through appropriate design, use of colours, building materials and landscaping.

**Sustainability**

- 1) Demonstrate that future leasable space will exceed the Australian Building Greenhouse Rating Scheme to achieve best practice in the design, operation and maintenance of commercial buildings to minimise greenhouse emissions.
- 2) Demonstrate how the commercial component of the project will be designed, operated and maintained to minimise energy consumption and water usage.
- 3) Demonstrate how the retail component of the project will be designed, operated and maintained to minimise greenhouse gas emissions, energy consumption and water usage.

**Public Safety**

- 1) Demonstrate that all aspects of the proposal will incorporate the principles of Crime Prevention Through Environment Design.
- 2) Demonstrate that public safety issues for the proposed filtration pond have been addressed.

**Streetscape and public domain**

- 1) Identify how the development integrates with the public domain, including active street frontages on main streets and entrance treatments to the site.
- 2) Demonstrate that the quality of the public domain will be commensurate with the design quality of the buildings.
- 3) Detail how landscaping addresses the bushland surrounds and recreational amenity. This should include (but not be limited to) the use of local native plant species and implementing buffer areas.
- 4) Identify the long term maintenance and management arrangements for the streetscape and public domain.

**Noise and Light Impacts**

Demonstrate that the proposal will be designed so that there are no unacceptable impacts from noise (including traffic and plant noise) and light spill (including impacts on flora and fauna) and how this will be implemented and maintained during construction and operation.

**Water Quality and Waste Management**

- (1) A Soil and Water Management Plan is to be prepared that outlines measures to be implemented prior to and during construction, and during operation to safeguard

	<p>the aquatic environment across the entire development footprint and mitigate impacts on water quality (including surface and groundwater).</p> <p>(2) A Waste Management Plan is to be prepared that outlines mitigation measures to be implemented prior to and during construction, and during operation.</p> <p><b>Utilities Infrastructure and stormwater management</b></p> <p>1) Prepare a utility and infrastructure servicing report and plan for the Site that includes the identification of existing utilities and infrastructure servicing the site (including sewerage); the identification of all future utilities and infrastructure and their location through the Site; and the augmentation works necessary to fully service the proposed development.</p> <p>2) Address Shoalhaven Water's requirements relating to water supply and sewerage services in their letter dated 21 September 2006 (attached).</p> <p>3) Provide details on the drainage and stormwater management measures to be incorporated on site, including (but not limited to) on site stormwater detention and water sensitive urban design measures.</p> <p><b>Development Staging</b></p> <p>The issue of development staging is to be clearly addressed, including details of how each stage relates to the broader LGA.</p> <p><b>Adjoining Land</b></p> <p>The EA is to demonstrate that the development will not have any adverse impacts on adjoining land (including but not limited to; water quality and quantity, erosion and sedimentation, fire management, fencing and access).</p>
<b>Consultation Requirements</b>	<p>During the preparation of the Environmental Assessment (EA), you must consult with the relevant local, State or Commonwealth authorities, service providers, community groups or affected land owners. In particular, you must consult with:</p> <ul style="list-style-type: none"> <li>• Shoalhaven City Council;</li> <li>• NSW Rural Fire Service;</li> <li>• NSW Department of Natural Resources;</li> <li>• NSW Department of Primary Industries;</li> <li>• NSW Department of Environment and Conservation;</li> <li>• NSW Roads and Traffic Authority;</li> <li>• Emergency Services (including NSW Police, NSW Fire Brigade, NSW Ambulance Service and the State Emergency Service).</li> </ul> <p>The EA must clearly indicate issues raised by stakeholders during consultation, and how those matters have been addressed in the EA.</p>
<b>Deemed refusal period</b>	60 days



## APPENDIX B



***Environmental Planning and Assessment Act 1979***

**Determination of Major Project Application No. 06\_0025**

**(File No. S06/00424)**

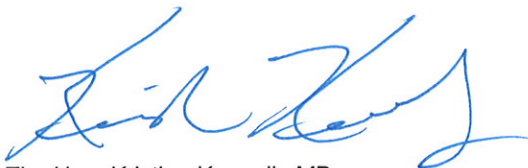
**PROJECT APPLICATION FOR**

**VINCENTIA DISTRICT TOWN CENTRE, STAGE 1**

I, the Minister for Planning, pursuant to section 75J of the *Environmental Planning and Assessment Act 1979*, determine the Major Project No. 06\_0025 referred to in the attached Schedule 1, by granting approval subject to the conditions of approval in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To ensure the orderly development of Stage 1 of the Vincentia District Town Centre,
- (2) To mitigate and manage environmental impacts of the development, and
- (3) To ensure the ongoing effective management of the development and associated impacts.



The Hon. Kristina Keneally MP  
Minister for Planning

Sydney, 7 Jan. 2009

## Schedule 1

### Part A – Table

<b>Application made by:</b>	Stockland Developments Pty Limited
<b>Application made to:</b>	Minister for Planning
<b>Major Project Number:</b>	06_0025
<b>On land comprising:</b>	Lot 802 DP 1022286, Lot 73 DP 874040
<b>Local Government Area:</b>	Shoalhaven City Council
<b>For the carrying out of:</b>	Stage 1 of the Vincentia District Town Centre
<b>Capital Investment Value</b>	\$36 million
<b>Type of development:</b>	Project approval under Part 3A of the Act
<b>Determination:</b>	Project approval is granted subject to the conditions in the attached Schedule 2
<b>Date of commencement of approval:</b>	This approval commences on the date of the Minister's approval
<b>Date approval is liable to lapse:</b>	10 years from the date of determination unless specified action has been taken in accordance with section 75Y of the Act

### Part B – Definitions

In this approval the following definitions apply:

**Act** means the *Environmental Planning and Assessment Act 1979*

**Council** means Shoalhaven City Council

**Department** means the Department of Planning or its successors

**Director-General** means the Director-General of the Department

**Environmental Assessment** means the document titled *Environmental Assessment Report – Proposed Vincentia District Town Centre – Stage 1* prepared by Don Fox Planning dated 22 April 2008

**Major Project No. 06\_0025** means the project described in condition 1.1 of Schedule 2 and accompanying plans and documentation described in condition 1.2 of Schedule 2

**Minister** means the Minister for Planning

**Project** means development that is declared under section 75B of the Act to be a project to which Part 3A of the Act applies

**Proponent** means the person proposing the carry out of development comprising all or part of the project, and includes persons certified by the Minister to be the Proponent

**Regulation** means the *Environmental Planning and Assessment Regulation 2000*

**RTA** means the Roads and Traffic Authority of NSW

**Statement of Commitments (SoC)** means the Statement of Commitments, as they apply to this project, made by the Proponent

**Subject Site** means the land identified in Part A of this Schedule

**Schedule 2**  
**Conditions of Approval**

**1. ADMINISTRATIVE CONDITIONS**

***Development Description***

- 1.1 Project approval is granted for the carrying out of Stage 1 of the Vincentia District Town Centre, comprising:
- (a) site preparation works (including earthworks and vegetation clearing) with the Stage 1 footprint,
  - (b) subdivision to create a 12.24 ha lot upon which the District Centre will be constructed,
  - (c) approximately 14,000m<sup>2</sup> of floor area, comprising 10,000m<sup>2</sup> of retail space (including two supermarkets, specialty retail outlets, kiosks and mini/major retail outlets) and 4,000m<sup>2</sup> of commercial/community space (including a library, centre management, amenities and commercial/community tenancies),
  - (d) fit out and occupation of the Woolworths and Aldi supermarkets,
  - (e) roads and access/public domain works within the District Centre (including Moona Creek Road, external road works, footpaths and open space areas),
  - (f) 683 car parking spaces, two loading docks and trolley storage,
  - (g) provision of infrastructure for water, sewerage, electricity and telecommunications,
  - (h) water sensitive urban design, and
  - (i) associated works.

***Development in accordance with Plans and Documentation***

- 1.2 The development shall be in accordance with the following plans and documentation (including any recommendations and Statement of Commitments made therein):
- (a) *Environmental Assessment Report – Proposed Vincentia District Town Centre – Stage 1* prepared by Don Fox Planning and dated 22 April 2008, and
  - (b) *Response to Agency and Public Submissions including Revised Statement of Commitments* prepared by Don Fox Planning and dated 10 October 2008.

***Inconsistency between Plans and Documentation***

- 1.3 In the event of any inconsistency between conditions of this project approval and the plans and documentation referred to above, the conditions of this project approval will prevail.

***Lapsing of Approval***

- 1.4 Pursuant to section 75Y of the Act, this project approval will lapse 10 years after the date on which it is granted unless construction work on the project has commenced.

***Prescribed Conditions***

- 1.5 The proponent shall comply with the prescribed conditions of project approval under section 75J(4) of the Act.

## **2. GENERAL CONDITIONS**

### ***Construction Management Plan***

- 2.1** A Construction Management Plan (CMP) is to be prepared as outlined in the Proponent's Statement of Commitments and approved by Council or an accredited certifier prior to the issue of the construction certificate. The CMP must also:
- (a) outline a plan of management for site preparation works including dust controls during bulk earthworks and strategies/clearing protocols that will be implemented on-site to manage vegetation clearance and the impact on local flora and fauna,
  - (b) identify trees (as defined in clause 5 of *Shoalhaven Tree Preservation Order 2004*), including species, condition and remedial works, that will be retained around the perimeter of the site and protected during the construction works,
  - (c) detail the type and quantities of construction waste and include an estimate of the waste materials that will be re-used or recycled,
  - (d) document the strategies used to ensure efficient use of building material and to minimise waste,
  - (e) outline a plan of management for the transportation and disposal of soil and ensure the road, kerb, gutter and footpath area adjacent to and nearby the subject site are kept clear of soil and debris,
  - (f) document the soil and water management plan (SWMP) to manage stormwater and surface water runoff during the course of construction in accordance with the "Blue Book",
  - (g) detail the type of plant and construction vehicles that will access the subject site (during earthworks, road works, utility services and building works), identify and number of construction vehicles trips generated by the development and detail strategies to mitigate impacts on the local road network. The traffic management plan shall be in accordance with the RTA's manual – *Traffic Control at Work Site*, and
  - (h) assess construction noise impacts against the relevant criteria contained within the Environmental Noise Control Manual and identify strategies to mitigate noise impacts on surrounding sensitive receivers.

### ***Construction Access Arrangements***

- 2.2** Vehicles associated with the construction of the development shall not use the existing Bayswood Avenue and adjacent residential streets for site access. Access to the subject site shall be through the intersection of Moona Creek Road with Naval College Road.

### ***Construction Hours***

- 2.3** All construction work shall be restricted to the hours of 7:00am to 6:00pm Monday to Friday, and 8:00am to 3:00pm Saturdays. No construction work shall take place on Sundays or public holidays.
- 2.4** Construction outside the hours stipulated above is permitted only where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental damage with the prior written approval of the Department.

### ***Site Filling and Disposal***

- 2.5** The subject site shall be generally filled according to the plans as shown in Appendix A of Cardno Forbes Rigby P/L report *Supplementary WSUD Study* (dated January 2008) and Appendix 3 to the Environmental Assessment Report (as referred in condition 1.2(a) of this approval) being the architectural plans prepared by Rice Daubney Architects.
- 2.6** The Proponent shall obtain a certificate from a qualified practising engineer confirming the satisfactory compaction of the filling and the suitability of the subject site for the intended purpose prior to commencement of building works.

## **2.7 Filling is:**

- (a) to generally have a maximum batter of 25% (1V:4H) at any location on the subject site. Variations to this standard to achieve steeper slopes may only be permitted where needed to achieve best practice wetland design for on-site WSUD elements,
- (b) not to encroach onto adjoining land or the Environmental Zone,
- (c) not to cause the diversion of concentrated natural overland stormwater runoff onto adjoining property,
- (d) to be protected against erosion and sedimentation, with measures included in the soil and water management plan, and
- (e) to include adjustment of services (e.g. manholes, inter-allotment drainage etc) in the scope of works.

**2.8** All excavated surplus material shall be hauled to an approved landfill site or a site that has an approved DA to receive fill. Details of fill storage and/or disposal and haulage routes shall be submitted to Council or an accredited certifier for approval prior to the commencement of fill disposal works.

## ***Design Requirements***

**2.9** Final designs for civil works including stormwater and drainage works, roadways, footpaths and pavements shall be approved by Council or an accredited certifier prior to the issue of the construction certificate. These works shall be designed:

- (a) by a qualified practising civil engineer, and
- (b) in accordance with the relevant requirements of Council, Australian Standards and AUSTROADS (Part 13 and 14).

## ***Landscaping***

**2.10** Landscaping works associated with Stage 1 (as shown in documentation referenced in condition 1.2 of this approval) shall be completed prior to the issue of the occupation certificate for Stage 1 of the District Centre.

**2.11** The Proponent shall use local provenance native climbers over the arbour structure to Arbour Walk and is to use plants of local provenance in the landscaping of the remainder of Stage 1 of the District Centre. All species shall be selected with due regard to the Threatened Species Management Plan (prepared for the concept approval and subsequent Commonwealth EPBC referral).

**2.12** The landscaping of roundabouts within the subject site shall not obstruct sightlines and shall be designed to avoid branches overhanging the streets and roadways. Roundabouts shall be designed to meet the requirements specified in RTA guidelines.

## ***Footpath/Pathway Construction***

**2.13** A concrete paved footpath shall be constructed for the full frontage of Halloran Avenue and Moona Creek Road in accordance with the Footpath Location Plan. Engineering design plans shall be submitted to and approved by Council or an accredited certifier prior to commencement of works on the subject site and shall incorporate the following:

- (a) footpath levels shall comply with a 3% crossfall from the boundary to top of kerb,
- (b) the level of the footpath shall match existing footpath levels of adjoining frontages and be a uniform grade over the length of the development site frontage, or where this cannot be achieved, a longitudinal section shall be suitably designed,
- (c) kerb pram ramps shall be provided at intersections in accordance with figure 8 of AS1428.1 – 2001 Design for Access and Mobility. Construction standards shall be in accordance with Council's Plan No. G202606A.

### ***Bay and Basin Leisure Centre Access Road***

- 2.14 The Bay and Basin Leisure Centre (BBLC) access road shall be constructed in conjunction with the approved road upgrades to The Wool Road prior to occupation of Stage 2 of the District Centre. [Note: this project approval does not extend to the design and construction of the BBLC access road.]

### ***Site Access Arrangements***

- 2.15 Access to the District Centre site from The Wool Road (access "D") shall be suitably incorporated into the design of Stage 2 and be constructed in conjunction with the approved road upgrades to The Wool Road prior to occupation of Stage 2 of the District Centre. [Note: this project approval does not extend to the design and construction of access "D".]

### ***Naval College Road***

- 2.16 The approved road upgrades to Naval College Road shall be constructed prior to occupation of Stage 1 of the District Centre at the Proponent's full cost.

### ***Pedestrian/Cycleway Underpass***

- 2.17 If Council is willing to pay the 50% contribution for the pedestrian/cycleway underpass or this contribution can be recouped from a lawful source, then the underpass shall be constructed prior to occupation of Stage 1 of the District Centre in conjunction with the approved road upgrades to Naval College Road. The design of the underpass shall suitably incorporate urban design measures to maximise safety and accessibility for users, and maximise integration into adjoining pedestrian/cycleway networks.
- 2.18 In the event that Shoalhaven Council cannot fund the 50% contribution from a lawful source for the pedestrian/cycleway underpass, the Proponent shall provide an alternative at-grade pedestrian crossing (such as a refuge island or zebra crossing) at the Proponent's expense and the design and location of the crossing shall be determined in consultation with Council and the Sydney Anglican Schools Corporation.
- 2.19 Within one year of the issue of the occupation certificate, the Proponent shall audit bicycle demand at the District Centre to determine if additional bicycle spaces are required. Should this audit identify that additional spaces be required, the Proponent shall provide the nominated additional spaces within three months from the date of completing this audit.

### ***Street Lighting***

- 2.20 Street lighting is to be installed in accordance with relevant Australian Standards.

### ***Internal Driveway and Car Parking***

- 2.21 The final design of the internal driveway and car parking areas must comply with the relevant Australian Standards for parking facilities and must incorporate the following design features:
- (a) speed humps (where required to ensure cars travel at slower speeds),
  - (b) one-way flow in the eastern-most car park aisle of the northern car park,
  - (c) give way signs and hold lines at internal intersections,
  - (d) low height planting in landscaped islands of end aisles,
  - (e) pram and disabled ramp access,
  - (f) external pole lighting directed to the ground (to avoid light spill into adjoining residential areas and Environmental Zone), and
  - (g) bordered by concrete kerbing, except where surface water run-off is concentrated in which case concrete kerb and gutter shall be constructed. The work shall comply with Council's Plan No. SC 263710.

- 2.22** Car parks shall be constructed, line marked and signposted in accordance with Council's *Development Control Plan 18 – Parking Guidelines*. Car park dimensions shall be in accordance with minimum class requirements as referenced in table 1.1 of AS2890.1.

#### ***Disabled Car Parking Spaces***

- 2.23** Disabled car parking spaces are to be located close to the entry points to the District Centre and comply with the relevant Australian Standards.

#### ***Parking for Trailers/Caravans***

- 2.24** A minimum of 4 car and trailer car parking spaces are to be provided along the edge of the southern temporary car parking area for Stage 1 of the District Centre. These shall be suitably incorporated into the design of the Stage 2 car parking area.

#### ***Pick-up/Drop-off in Car Parks***

- 2.25** A minimum of 2 car parking bays within the southern (temporary) car park are to be suitably labelled and identified as short stay pick-up/drop-off car parking bays. These shall be suitably incorporated into the design of the Stage 2 car parking area.

#### ***Loading Docks***

- 2.26** The loading docks are to be designed to cater for 19 metre semi-trailers.

#### ***Dedication of Roads, Pathways and Reserves***

- 2.27** All proposed external roads, pedestrian paths, cycleways and road reserves are to be dedicated to Council at no cost.

#### ***Water Quality and Sedimentation Pond***

- 2.28** A suitably qualified and experienced wetland specialist or stormwater engineer shall be engaged by the Proponent prior to the commencement of works to certify that the sedimentation pond and wetlands are adequately designed to remove stormwater pollutants to satisfy the ANZECC criteria and minimise on-going environmental costs associated with maintenance of the wetland system.
- 2.29** The sedimentation basin walls and floor are to be stabilised during and post-construction. The method of stabilising the basin walls and floor is to be detailed in the soil and water management plan to be submitted for approval by Council or an accredited certifier prior to the issue of the construction certificate.
- 2.30** An entomologist is to review the design of the wetlands to determine if the design lends itself to mosquito breeding, including climate change implications. Should this review identify measures to mitigate mosquito breeding, these shall be suitably incorporated into the detailed design of the wetlands prior to the issue of the construction certificate.

#### ***Wetlands Maintenance and Management Manual***

- 2.31** A wetlands maintenance and management manual shall be prepared prior to occupation of Stage 1 of the District Centre to ensure regular monitoring of sediment quality and the safe handling and removal of sediments from the sedimentation pond and wetlands.

#### ***Rainwater storage tanks***

- 2.32** The Proponent shall re-assess the demand and level of water re-use after the first year of operation/building occupancy of Stage 1 of the District Centre using data collected by the centralised Building Management System or other relevant sources. Should this review identify demand has increased, the Proponent shall assess the feasibility of installing additional rainwater storage tanks in Stage 1 or be suitably incorporated into the design of Stage 2 of the District Centre.



### **Noise Mitigation**

- 2.33** Should development of the proposed Bayswood Retirement Living Village (MP 08\_0096) not proceed, noise mitigation measures such as architectural treatments, shall be provided to the residential subdivision to the west of Moona Creek Road to mitigate noise impacts on affected lots.

This condition may be satisfied by imposing a section 88B instrument on the title of future affected lots requiring architectural treatments to be incorporated into the design of the future dwellings to meet the required noise attenuation.

### **Environmental Zone**

- 2.34** A temporary fence shall be installed along the boundary of the Environmental Zone and the District Centre which will be designed to prevent access into the Environmental Zone until such time as the permanent habitat fence is constructed.

### **Architectural Roof Features**

- 2.35** Any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by an architectural roof feature shall be fully integrated into the design of the roof feature.

- 2.36** Architectural roof features shall:

- (a) comprise of a decorative element on the uppermost part of the buildings,
- (b) not include advertising structures,
- (c) not include floor space and not be reasonably capable of modification to include floor space,
- (d) cause minimal overshadowing.

### **Installation of Root Barriers**

- 2.37** Root barriers shall be placed between trees and civil infrastructure to protect above or below ground civil infrastructure where deemed appropriate given consideration of the tree species and potential for damage:

- (a) barriers are to be placed between trees and civil infrastructure (as close as possible to the infrastructure) and extend horizontally a minimum distances of half the mature tree drip line and from the surface a minimum of 1.0 metres deep depending on mature root system,
- (b) where rock is encountered within the depth of the proposed planting's root bowl, the rock should be removed to a suitable depth for the proposed planting or substituted with an alternative, more suitable species,
- (c) root barriers may be obtained from any manufacturer and must be equal to RS500 or RS1000 Root Barrier supplied by Woodchuck Equipment.

### **Damage to Public Assets**

- 2.38** The Proponent shall repair any damage to adjacent kerbs, gutters, footpaths, walkways, carriageways, reserves and the like, that occurs during development works. The Proponent shall undertake a site inspection and document any evidence of damage to public assets prior to commencement of works on the subject site. Failure to adequately identify any existing damage will result in all damage detected by Council after completion of the building works to be repaired at the Proponent's expense.

### ***Easements***

- 2.39** Copies of any instruments under sections 88B or 88E of the *Conveyancing Act 1919* for the proposed District Centre allotment are to be submitted with the final plan of subdivision, as relevant to any restrictive covenants, easements, rights of way created or affected by this development, prior to the occupation of Stage 1 of the District Centre.

### ***Requirements of Public Authorities for Connection to Services***

- 2.40** The Proponent shall comply with the requirements of any utility service providers (e.g. Integral Energy, Transgrid, Shoalhaven Water, Telstra etc) in regard to the connection to, relocation and augmentation of the services affected by the construction of Stage 1 of the District Centre. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Proponent, unless otherwise agreed.
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